

No. \_\_\_\_\_

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**In the Supreme Court of Texas**

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Mary Louise Serafine v. Alexander Blunt et al.  
&  
Mary Louise Serafine v. Karin Crump et al.

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From the Third Court of Appeals  
Case No. 03-20-294-CV & Case No. 03-21-53-CV

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***APPELLANT'S REPLY IN SUPPORT OF***  
**MOTION TO TRANSFER CASE NO. 03-20-294-CV TO TEXARKANA**  
**&**  
**MOTION TO TRANSFER CASE NO. 03-21-53-CV TO BEAUMONT**

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TO THE HONORABLE SUPREME COURT OF TEXAS:

Appellant Mary Louise Serafine wishes to make the following points in view of the Third Court of Appeals' recommendation and the response of one party.

First, across the two cases, three of the Third Court's six justices agree with Appellant that they are disqualified or should recuse. Although, as the Third Court asserts, this does leave three justices available to decide the cases, it also precludes *en banc* rehearing if either side needed to request it. With half the court disqualified, there is ostensibly a panel, but no *en banc* assembly. The right to move for *en banc* consideration, even if rarely granted, is important.

Second, with half the court disqualified, a reasonable person would not

envision the remaining half to be neutral. The remaining half would be faced with a party who is their own colleague—Justice Goodwin. She has been working alongside the would-be panel for more than two years. She is the most senior member of the court. And the panel would be addressing the Third Court’s constitutionality jurisprudence on Chapter 11. Justice Goodwin herself authored the Third Court’s most recent opinion on that topic just this month.<sup>1</sup> Indeed she authored it while simultaneously being a movant in the instant vexatious litigant case, where constitutionality was disputed. Neutrality and the appearance of neutrality are impaired by these facts.

Third, it is important to emphasize that the two cases to be transferred are highly related.<sup>2</sup> The hypothetical reasonable person would regard Justice Goodwin’s recusal in one case, but refusal to recuse in the other, to be unjustifiably

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<sup>1</sup> *Connor v. Hooks*, No. 03-19-00198-CV (Tex. App.—Austin Mar. 5, 2021).

<sup>2</sup> In *Serafine v. Blunt et al.* both sides are appealing the outcome of a remand. In 2017 that remand was ordered by Justices Goodwin, Puryear, and Pemberton. Except for the remand, that opinion is what caused Serafine to try to protect the remand from continued malfeasance by using Section 1983 in *Serafine v. Crump, Goodwin et al.* That is the explicit purpose of Section 1983, as every court to consider it has held. That case began in federal court in 2017. It is now in state court with the vexatiousness motions of Goodwin, Crump, Puryear, and Pemberton on interlocutory appeal. That is the second case for which transfer is requested. Serafine’s petition in that case describes the malfeasance that warranted the relief. *See Motion to Transfer* Exx. 3 (petition) and 4 (supplement).

splitting hairs.

Finally, Justice Baker—just like Justice Triana—is disqualified under the automatic successor substitution rules that have operated three times. They operated at first when *Serafine v. Crump, Goodwin et al.* was in federal district court (Fed. R. Civ. P. 25(d)); they operated again at the Fifth Circuit (Fed. R. App. P. 43(c)(2)); they operate now at the Third Court (Tex. R. App. P. 7.2(a)). The policy underlying the rules is to prevent mootness when an official-capacity defendant leaves office; thus the rules do not stop working if a case moves from court to court. Although we have not found Texas case law on the applicability of these rules to state judges, the federal courts have concluded that “[t]here is no reason to doubt that federal district judges, who are of course public officers, come within this rule.” *Burgess v. Williams*, 302 F.2d 91, 93 (4th Cir. 1962). This means that Justice Baker has been automatically substituted into the case for former Justice Puryear. He should not also hear the cases.

These cases should be transferred as requested. The Blunts’ response in

opposition to transferring one of the cases does not change this result.<sup>3</sup>

Respectfully submitted,

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#### CERTIFICATE OF SERVICE

I certify that this document was filed in the Third Court on March 15, 2021 and served on those below via email or the court's electronic filing system.

Ms. Haley Marlow, clerk, Supreme Court of Texas  
Chief Justice Josh R. Morriss, III  
The Honorable Debra K. Autrey  
Chief Justice W. Scott Golemon  
The Honorable Carly Latiolais  
The Honorable Jeffrey D. Kyle

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<sup>3</sup> Blunts' counsel is a former Third Court clerk and staff attorney and personally drafted two of the most egregious orders by Judge Crump. As a direct result of these and the other judicial malfeasance that Serafine complains about, the Blunts won significant property. Small wonder that the Blunts' main argument is that they "seek to avoid any further delay...." *Combined Response* at 6. The Blunts' response paper also highlights snippets of transcript where Serafine is speaking. This shows nothing more than that Serafine correctly explained that (if warranted by sufficiently condemnable prior conduct), Section 1983 relief against judges is awardable only prospectively, in future proceedings.

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